

REMARKS/ARGUMENTS

Claims 1, 2 and 7 - 11 are pending in the application. Of these claims, Claim 12 is withdrawn from consideration as a result of a restriction requirement by the Examiner. Claim 10 stands rejected and is currently amended.

While allowed, Claim 11 has been amended to include all of the limitations of Claim 10 an amendment of which was inadvertently overlooked by the Applicant in the 10 April, 2009 amendments in response to the Examiner's previous Official Action, dated 3 March, 2009, page 4.

(Claim Election/Restrictions)

1. The examiner has required restriction under 35 U.S.C. 121 of Claim 12 on the grounds that invention I and II are separate and distinct as product and process of use. The Applicant elects invention I, with traverse, encompassing Claims 1, 2 and 7 – 11. The Examiner states that in the instant case, the product as claimed can be used in a materially different process of using that product; for example: "the product can be preset to precise height without any need for adjustment." That applicant respectfully asserts that there is no material difference in the alternative process as stated by the Examiner. Whether adjusting the set screw while the panel is in place on the pedestal head or preset prior to placing the floor panel on the pedestal support head, the set screw is adjusted to the same setting in order to accomplish the same result. The material element for using the claimed apparatus is therefore operating the set screw in order to set the retrofit application of the floor panel in relation to an existing floor.

(Claim Rejections)

The Examiner has rejected Claim 10 under 35 U.S.C. 102(b) as anticipated by Mori et al (4258516). The examiner states Mori figures 2-3 shows an interchangeable raised access floor panel comprising all features of the claimed invention including set screws (28) having a foot end. The applicant respectfully traverses the Examiner's rejection on these grounds. Mori et al discloses pedestal support threaded rod (28). As described in Mori et al., "The upper and lower female screw threaded sleeves 22, 25 are of *left-handed and right-handed ones* and threadedly engaged with *right-handed and left handed upper and lower male screw threads* 26, 27 provided


on the upper and lower portions of [the] screw threaded rod 28 (emphasis added). *Id.* at Col. 4, 17 – 22. Thus, the threaded rod configuration of Mori et al is not a set screw within the ordinary meaning of the term, but is a pedestal support rod having opposing threads in order to operate as a turn-buckle, in order to adjust the vertical height of the pedestal head (34) in relation to the subfloor.

As amended, the Applicant points out and particularly claims, in Claim 10, that the set screw, in accordance with the present invention, is “*single-handed...to operate the lower foot end to adjustably bias against an upper portion of the pedestal head member*”, including ones such as the elastic member (34), as described in Mori et al. Moreover, the present invention, when taken in combination with the Mori et al. description, assuming that the examiners analogy of a set screw being the same as a threaded rod is an accurate interpretation in accordance with the art, the set screw in accordance with the present invention constitutes an additional threaded rod element which is not disclosed in Mori et al.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

SCOTT L. TERRELL, P.C.



Scott L. Terrell, Reg. No. 35,709
12970 W. 20th Ave. Ste. E
Golden, CO 80401
Telephone (303) 279-0705
E-mail sltpcesq@aol.com

Certificate of Mailing

37 C.F.R. 1.8

I hereby certify that a true and correct original or the foregoing this correspondence is being deposited with the U S Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:



(Date of Deposit)

10/12/9

Signature